

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Takeshi Watanabe

Application No.: 10/629,819

Confirmation No.: 7294

Filed: July 30, 2003

Art Unit: 2627

For: METHOD AND SYSTEM OF CREATING A
BACKUP DISC OF A HYBRID DISC

Examiner: Parul H. Gupta

REQUEST FOR RECONSIDERATION

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This paper is responsive to the Office Action dated August 9, 2007. Please reconsider the above-referenced application in light of the following. The application as amended contains claims 1-30.

Claims 1-5, 7-14, 16-23 and 25-27 are rejected under 35 U.S.C. § 103 as being unpatentable over Gehr in view of Tatano, and further in view of Iida. Reconsideration is respectfully requested. The rejection is not understood.

Claim 1 recites the step of “determining whether or not a target optical disc is qualified as [a] backup disc.” The Office Action, page 17, contends that Gehr determines whether two drives are the same or different, and therefore, according to the Office Action, Gehr “indirectly” determines whether “a target optical disc is qualified.”

Claim 1 goes on to say that the determining step is performed “by comparing the source optical disc to the target optical disc.” In response to this aspect of the claim, the Office

Action contends it would have been obvious to modify Gehr in view of Tatano, and that Tatano teaches comparing a source optical disc to a target optical disc. Please note, however, if Gehr “determines whether two drives are the same or different,” what purpose would it serve in Gehr to compare a source optical disc to a target optical disc? The Tatano teachings do not seem to have any applicability to determining whether two drives are the same or different.

Thus, even when considered together, Gehr and Tatano do not fairly suggest the determining step of claim 1, where the determining step is performed by comparing the source optical disc to the target optical disc: “determining whether or not a target optical disc is qualified as the backup disc of the hybrid type source optical disc by comparing the source optical disc to the target optical disc.” Iida is cited in the Office Action for other features. Therefore, claim 1 should be allowable over Gehr, Tatano and Iida, even when the references are considered together.

Claims 2-27 depend from claim 1, or recite limitations similar to those discussed above, and should be allowable along with claim 1 and for other reasons. Therefore, claims 1-27 should be allowable.

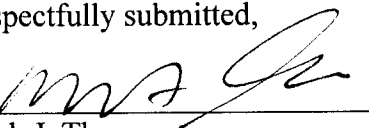
Claims 28-30 are rejected under 35 U.S.C. § 103 as being unpatentable over Fairman in view of Tatano. Reconsideration is respectfully requested. Claim 28 recites a method of “creating a backup disc of a hybrid type source optical disc.” Contrary to the Office Action, Fairman does not disclose or suggest a method of creating a backup disc of a hybrid type source optical disc. Instead, Fairman refers to a method of making a master disc 170 (Fig. 5) for use in producing stampers 174. The master disc 170 is made from data stored on a pre-master disc 164. The master disc 170 is not a “backup disc,” and even more clearly it is not a back-up disc of the pre-master disc 164. Where the pre-master disc 164 contains dummy files 162, the master disc 170 contains only ATIP 172. Fairman is believed to be basically unrelated to the claimed invention. Tatano is cited for other features, and does not overcome the deficiencies of Fairman.

Claims 29 and 30 recite limitations similar to those discussed above, and should be allowable along with claim 28 and for other reasons.

Moreover, the rejections based on Tatano should not be maintained in the absence of a full translation. See M.P.E.P. § 706.02(II).

Dated: October 11, 2007

Respectfully submitted,

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